

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY: Rhode Island Department of Health (the Department)

DIVISION: N/A

RULE IDENTIFIER: 216-RICR-40-10-17

RULE TITLE: Licensing of Home Nursing Care Providers and Home Care Providers

REASON FOR RULEMAKING: This regulation adds advance practice registered nurse (APRN), certified clinical nurse specialist, and physician assistant to the definition section; revises the definition of health care provider, medical services; and changes the definition of "attending physician" to "attending clinician" which now includes physician assistant, APRN's and certified clinical nurse specialist.

ANY FINDINGS REQUIRED BY LAW AS A PREEQUISITE TO THE EFFECTIVENESS OF THE RULE: N/A

TESTIMONY AND COMMENTS:

A comment was received asking to include certified midwives (CM) and certified nurse midwives (CNM) to the list of certifying providers for home health care services. Though this comment speaks to certification for home care services under Medicare and Medicaid, state regulations do not address federal certification. The CARES Act authorizes a CNM to conduct face to face patient encounters, consistent with the role of the attending clinician. The Department has included CNMs to the list of attending clinicians. The Department thanks you for this comment.

A comment was received to add the phrase "or licensed by the State of Rhode Island to otherwise lawfully provide health care services as a health care provider" to the definition of "medical services" in section 17.3(A)(19). The definition already includes professional services and supplies by appropriately licensed individuals. The inclusion of such language would be duplicative. This comment will not be accepted at this time.

A comment was received asking to include one advance practice registered nurse to the professional advisory committee in section 17.8.2(A). In accordance with R.I. Gen. Laws § 42-35-6.1, an agency may not file a rule that is a logical outgrowth of the proposed rule; In other words, The Department did not propose amendments in this section, and inclusion of such language after the proposed regulation would be considered a violation of statute. This comment will not be accepted at this time.

A comment was received asking to consider making licensure for nurse practitioners as home health care providers. There is nothing precluding nurse practitioners from providing home health care services, however, they must be properly licensed as a

home health agency or employed at a home health agency. This comment will not be accepted at this time.

A few comments were received in support of recognizing nurse practitioners as qualified clinicians authorized to prescribe home health services and attend to home health patients. The Department thanks you for your support.

CHANGES TO THE TEXT OF THE RULE:

§ 17.3(A)(4) adds certified nurse midwife to the list of attending clinician

§ 17.3(A)(9) adds the definition of “certified nurse midwife”

REGULATORY ANALYSIS:

In development of this rule, consideration was given to:

- 1) Alternative approaches;
- 2) Overlap or duplication with other statutory and regulatory provisions; and
- 3) Significant economic impact on small business

No alternative approach, duplication or overlap was identified based on available information. RIDOH has determined that the benefits of the rule justify its costs.